

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY-)	
AMERICAN WATER COMPANY FOR AN)	CASE NO.
ADJUSTMENT OF RATES)	2015-00418

ORDER REGARDING MOTION FOR CONFIDENTIAL TREATMENT

On June 24, 2016, Kentucky-American Water Company (“KAWC”), pursuant to 807 KAR 5:001, Section 13, filed a petition for confidential protection (“June 24, 2016 Petition”) requesting confidential treatment for certain material filed in response to the Attorney General’s Initial Request for Information (“AG’s Initial Request”), Item 22. The information is more particularly described as the earned returns for the other operating subsidiaries of American Water. KAWC supplied, with its June 24, 2016 Petition, one copy of the material in paper medium and one copy of the material in electronic format on a compact disc. No intervening party to the instant case filed a pleading in response to KAWC’s June 24, 2016 Petition.

In support of its June 24, 2016 Petition, KAWC states that the information compiled is not publicly available and disclosure would “give competitors material financial data about the operating subsidiaries that such competitors could not otherwise get.”¹ KAWC states that the “information relates directly to the financial health” of American Water’s operating subsidiaries and would provide “competitors, vendors, and other interested parties with information that could be used against the

¹ June 24, 2016 Petition at 2.

affected utilities in contract negotiations, potential acquisitions, and regulatory proceedings” if publicly disclosed.² KAWC requests that the Commission grant confidential protection in perpetuity because it “cannot envision a period of time in which it would be appropriate for other subsidiaries’ proprietary financial information to be disclosed in the public realm.”³

Having carefully considered the June 24, 2016 Petition and the material at issue, the Commission finds that the material from KAWC’s response to the AG’s Initial Request, Item 22, submitted with the Petition meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c).1 and 807 KAR 5:001, Section 13. The Commission further finds that the material should not be placed in the public record or made available for public inspection for an indefinite time, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. KAWC’s June 24, 2016 Petition for confidential protection is granted.
2. The material supplied in response to the AG’s Initial Request, Item 22, and submitted as an attachment to KAWC’s Petition shall not be placed in the public record or made available for public inspection for an indefinite time, or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

² *Id.*

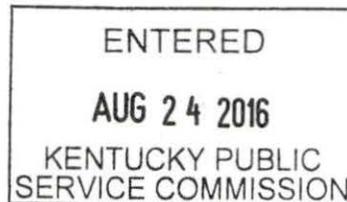
³ *Id.*

4. KAWC shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, KAWC shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If KAWC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow KAWC to seek a remedy afforded by law.

By the Commission



ATTEST:



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